## THE CUBAN REVOLUTION

Diplomatic Correspondence Between the Secretary of State and the Spanish Minister.

The Speakman and Wyeth Executions.

American and Spanish Neutrality Compared.

THE FIGH. FOR FREEDOM IN CUBA

Reasons Why the Cubans Should Not be Recognized as Belligerents.

Opinions of Attorney General Hoar Regarding the Building of Spanish Gunboats.

In the brief abstract of the correspondence relating to the Cuban resolution forwarded you a few ago, a very imperiect idea is given of the several letters of Secretary Fish and Minister Roberts on the subject, and a good deat of valuable information is omitted altogether. From a full copy of the correspondence in question, which has been furnished me to-day, I am able to make up a better compliation of the important points than that hith erto furnished you. I will begin with the following,

Mr. Fish to Mr. Lopez Roberts.

Washington, April 2, 1859.

I am directed by the President of the United States to invite your serious attention, and through you that of your government, to a proclamation of his Excellency the Captain General of Cubs, of the 24th of last month, an authentic copy of which has this day been received at this department.

That instrument, in its preamble, refers to the existing insurrection in Cuoa and declares that the measures which it proposes for the suppression of that insurrection are necessary for that purpose. Those measures are:—"Vessels which may be captured in Spanish waters or on the high seas near to the island (Cuba) having on board men, arms and manitions or effects that can in any manner contribute to promote or fomeat the insurrection in this province, whatever their derivation or destination, after examination of their papers and register, shall be de fauto considered as enemies of the integrity of our territory and treated as pirates in accordance with the ordinances of the navy.

All persous captured in such vessels, without regard to their number, will be immediately executed."

It is to be regretted that so high a functionary as

It is to be regretted that so high a functionary as the Caprain General of Cuba should, as this paper seems to indicate, have overlooked the obligations of his government pursuant to the law of nations, and especially its promises in the treaty between the United States and Spain of 1795.

Under that law and treaty the United States expect for their citizens and vesseis the privilege of carrying to the enemies of Spain, whether those elicinies be claimed as Spainsh subjects or citizens of other countries, subject only to the requirements of a legal blockade, all merchandise not contraband of war. Articles contraband of war, Articles contraband of war, articles only not never destined for the enemies of Spain, are hable to setture on the high seas; but the right of seizure is limited to such articles only, and no claim for its extension to other merchandise, or to persons not in the clvii, military or nava, servace of the enemies of Spain will be adquisaced in by the United States.

This government certainly cannot assent to the punishment by Spainsh authorities of any citizen of the United States for the exercise of a privilege to which he may be entitled under public law and reatles.

It is consequently hoped that his Excellency the

Captain General of Cuba will either recall the procla-mation referred to or will give such instructions to the proper officers as will prevent its illegal applica-tion to citizens of the United States or their pro-perty. A contrary course might endanger those friendly and cordial relations between the two gov-ments which it is the hearty desire of the President should be maintained.

Mr. Lopez Roberts to Mr. Figh.

Washington, April 5, 1869. Washington, April 5, 1869. The undersigned, Envoy Extraordinary and Minster Plempotentiary of Spain, thinks the time has warrived to address to the honorable Secretary State a few observations in reference to facts bich he has heard of through the public papers and rough official communications received from the obsuls of Spain in different parts of the United ates and from public rumors—facts which affect emterests and dignity of the nation which the the interests and dignity of the nation which the undersigned has the honor to represent, and which, of course, must be of interest to the government of the American nation, whose friendly relations with Spain he is pleased to recognize, and which he deems his agreeable duty to preserve. Of the facts alianded to some consist of urgent and clamorous histogrations, which the disloyal spainarias of Guon, his receiving agents of the facts of the f

courches, cashing for divine and for the triumph of the cause, after public announcements to increase the attendance, which proves that instead of Heaven's aid they are trying by this ostensiole sanctify to seduce the indiaude and secure the moral and material and of man.

Facts of another kind, which are referred to, are natural sequence of those mentioned, and prove that their promoters were not disappointed in their expectations. In fact, the honorance Secretary of State has been informed by the undersigned that frequent communications have been received at this legation from consuls of Spain at various ports of this republic, stating that piratical expeditions are in preparation against the legitimate government of Spain in Gubat that arms and amunition are sent there in sailing vessels and steamers, and other acts in positive violation of international law have been perpetrated; and although the undersigned knows, for the honorande Secretary of State has so informed him, that orders have been given to the Droper officials of the government of the Union to stop such outrages, and cause a strict observance of the laws,

perpetrated; and although the undersigned knows, for the honoracle Secretary of State has so informed him, that orders have been given to the proper officials of the government of the Union to stop such outrages, and cause a strict observance of the laws, yet it is certain that, in spite of his zeal, these officers have not been able to prevent some expeditions from reaching their places of destination, as is publicly known, and that others have been captured by Spanish cruisers, near the coast of Cuba, with positive proof of their criminal intentions. So advanced are these rebel refugees in their plans of hostility, and so much confidence have they in the popularity of their cause that the so-called board of directors established in New York has assumed the fancy this of "The independent government of Cuba," and, has oared to send an agent to washington with the vain hope that he will be received by this government as the representatives of the rebels.

But this is not in question at present; nor does the undersigned look upon it seriously, or presume that the government at Washington will consider itse; but the proposes to establish the truth of the facts, so as to show what the insurrection in Cuba is and what it means and the nature of the fanced entity which the rebel refugees in New York insist on calling the revolutionary government. The rebels have no communication with each other; they occupy no place as a centre of operations, nor have they in the whole island a single city, a single town, a single village or hamiet, nor even a point on the coast where they might collect their forces and date their orders and proclamations; but they fy from our troops and never offer battle, except when forced to do so, and their only mode of warfare is to apply the incendiary borch to estates, thus reducing to assess and ruins the whole wealth of the island, if not prevented by Spanish soldiers. Such are the aimies and such is the government to the propagated by persons who maltered these spiral to a such a solution

the United States and Spain could not be more satisfactory.

While Spain recalls with grateful pleasure the many occasions, during the civil war in the United States, when reciprocal testimonials of freudly deference and cordial courtesy were passed between the two governments, and that she is perhaps the only nation against which the government at Washington has not had occasion to present subsequent claims for acts of doubtful neutrality, the American nation ought to remember the noble conduct displayed by the government of President Millard Fillmore in 1851, on an occasion identical with that of the present, when a number of robels conspired against their country by organizing fillbustering expeditions in the United States. The noble and loyal act of that administration, doing its duty with honored frankness not only toward Spain, but toward its own people, showing them now to act without violation of rights, is worthy of being mentioned here in a copy of the proclamation issued on that occasion:—

ence of the United States. MILLARD FILLMORE.

The undersigned is pleased to believe that a similar deciaration is now opportune; and though the Spanish nation does not donot the cordial irlendship of the United States, ret a public and solemn avowal of the inclination and intention of the government to observe the laws and preserve justice toward Spain would have the saintary effect of dissipating faise illusions and discouraging dangerous deceptions.

Mr. Fish to Mr. Lopez Roberts.

Mr. Fish to Mr. Lopez Roberts.

Washington, April 17, 1869.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Roberts, Envoy Extraordinary and Minister Plenipotentiary of Spain, of the 5th inst. In this note Mr. Roberts, after stating various cipcumstances, sets forth a proclamation issued on the 25th of April, 1851, by Mr. Fillmore, then President of the United States, and expresses the opinion that a similar declaration is now opportune.

After a careful examination of Mr. Robert's note, the undersigned fails to perceive the necessity or the propriety at this time of a proclamation by the president of the United States, such as Mr. Roberts desires.

publication of an instrument of the character The publication of an instrument of the character asked by Mr. Roberts would be the exercise of a power by the President which is resorted to only on extraordinary occasions and when peculiar circumstances indicate its necessity. Such a power is not to be invoked lightly, or when the laws are in unquestioned vigor and efficiency, are respected by all persons and are enforced by the ordinary agencies. When Mr. Fillmore's proclamation was issued in 1851, the internal peace and quiet of the island of this were undistinged; there was no insurrection.

of its innabitants, no rebellion or revolution in progress within the Island against the authority of Spain. There was, however, a movement on foot within the United States, indicating the innent of certain parties to organize within the territory of the timed States an armed expedition with the design of invading the island, attempting to incite an insurrection, and to overthrow the authority of Spain there. Under such circumstances, Mr. Pillinore issued the proclamation referred to, giving another instance of the watchrainess and earnestness of this government in regard to its obligations to all friendly Powers.

The circumstances of the day are wholly different from those which made that measure not only proper, but she matural, if not the necessary, manifestation of the pelley and the conduct of this government from its organization. A portion of the people of Cuba, for more than six months, have been in arms against the government of Spain over that island, and they are seeking, as they allege, relief from oppression. How just their complaints may be, or what the oppression is from which they desire relief, the undersigned does not propose to discuss. He only refers to the objects of the insurrectionary party, as that party alleges them to be, to illustrate the entire difference between the events existing when Mr. Filimore issued his proclamation and those which now exist. At present this government is not aware of any invasion of the island of Cuba, or of any other possessions of Spain threatened from the United States, nor is any such believed to be in the course of preparation. Mr. Roberts has on several occasions intimated to the undersigned the existence of Individual or private

ment is not aware of any invasion of the island of Cuba, or of any other possessions of Spain threatened from the United States, nor is any such believed to be in the course of preparation. Mr. Roberts has on several occasions intimated to the undersigned the existence of individual or private attempts, in different parts of the country, to violate the neutrality laws of the United States. In every such instance, as Mr. Roberts very justly admits in his note, the proper officers of the government have been easied upon immediately to vindicate the supremacy of the law, and no single instance is known or is believed to have arisen in which their interierence, thus invoked, has not been efficient to prevent the apprehended violation.

The government of the United States has very recently experienced the effects of a precipitate recognition of beliggerent rights to a revolutionary movement whose powers of resistance and endurance were sustained by the recognition on the part of a government as peace with the United States within a little more than two months after the outbreak of the insurrection. But having from its very origin been foremost in the assertion of neutral rights, and in setting the example of enforcing a strict neutrality, into government does not intend at present to depart from its radiational policy, but will execute, in good fluth, the wise and editient laws that have been enacted for the observance of its international duties of neutrality and friendship. Individuals, tempted either by the hope of gain or insignated by those engaged in the insurrection now pending in Cuba, may of; led coverity to undertake unlawful enterprises. Such ventures are not confined to any one country or to any age. They always and everywhere occur with the opportunity. At this moment similar enterprises almed at Cuba are well understood not to be limited to thus hemisphere, but have also been set on foot in transatiantic countries.

The proximity of the United States to Cuba has heretofore and must continue to tamp fre

with all other governments, and especially with those who still claim control over neighboring possessions.

The undersigned has not specially referred to the facts and circumstances cited by Mr. koberts, such as appeal to public opinion, faise or exaggerated statements, public meetings, insuicat concerts, sermons and prayers, as indicative of the necessity of the proclamation which he requests. The freedom of speech, or the press and the right of the people peacefully to assemble, whether for political purposes or for entertamments, or to hour sermons, or for prayer, cannot be called in question nor asimit of any interference. The experience of this country of nearly a century has demonstrated the harmlessness of extravagant speech, and oven of faissenood, when the right of speech and the freedom of the press are untrammedied. The government cannot, and will not, attempt to induence the thought or the sympatimes of its cutzens; it will mit itself to the interposition of its power against every improper or unitary till exercise of any sympathes likely to lead to the infraction of its proper obligations to Spain and to other friendly Powers. Having set the example of the most periect neutrality, both in the theory and in practice, the government of the United States will continue to administer them in the utmost good fauth and with vigor in every instance where it shall be duly informed of any threatened violation of them.

Mr. Flah to Mr. Siekles.

WASHINGTON, Aug. 10, 1860.

On the 3d day of July last information was received at this department from Dr. Phillips, vice consul of the United States at Santiago de Cuba,

tion to the families or representatives of Charles Speakman and of Albert Wyeth for their murder by the Spanish authoraties, so har as pecuniary compensation can make reparation therefor. You will observe, also, that Admiral Hoff says that "Great Britain's laws of citizensing have enabled her to obtain from Spain the entire revocation of this proclamation, which fact seems to be known and observed by the Spaniards throughout the island, and certainly gives British subjects greater consideration when captured or wrecked upon the Cuban coast." I do not know what peculiarity in the British laws Admiral Hoff refers to. You will, however, call the attention of the Spanish Minister for Foreign Affairs to this fact, and will say that we shall expect citizens of the United States to be treated with as much consideration and to enjoy as broad rights as the citizens of any other country.

You will also, in the name of the President, solemnly protest against any longer carrying on this war in Cuba in this barbarous way. For now nearly a year the insurgents have maintained themselves against all the forces which Spain and the decatalan volunteers have been able to put into the field against them. In the judgment of the President, in which I believe the whole civilized world will coincide, the time has come when this struggle should be carried on in a more humane way. To

should be carried on in a more humane way. To shoot prisoners of war, simply because they are taken with arms in their hands, is not in accordance with the customs of the Christian world. This country is deeply interested in the proper solution of this question, Our relations with Cuba are so many and so milmate that we cannot regard this struggle, in all its details, with anything but intense interest. Our earnest wish has been and is to do our whole duty as a neutral nation towards Spain in this emergency. Feeling that we have done so, that under circumstances of peculiar difficuity we have enforced our laws and maintained our neutrality, we think that we have a right on our part to insist that Spain shall carry on this war hereafter in a manner more in accordance with the humane and Christiau sentiment of the age.

I have the honor to forward to you a copy of my note to Mr. Becerta, the Minister of State at interim, in relation to Charles Speakman and Albertweeth, executed at Santiago de Cuba. In the further execution of your instructions No. 10, I have, in the same communication, formally protested against these deplorable excesses, demanding, in the aume of humanity, that the war in Cuba, if proonged, shall not be conducted in disregard of the customs and usages of Christian nations.

Mr. Sickles to the Minister of State.
Under date of Madrid, September 6, 1829, Mr. Sickles writes to the Spanish Foreign Secretary about this matter, and after having recapitulated the facts stated in Secretary Pisn's letter of August 10, continues as follows:—It appears from these official reports and the accompanying documents that Charles Speakman, a citizen of the United States, residing in Aurora, Ind., where he has a wife and child, being by occupation a sailor, about the end of April shipped as a scaman on board the schooner Grapeshot, of New York, signing afficies for Falmouth, in Jamaica, in good faith, knowing nothing of the objects of the voyage. While lying in the lower bay of New York the tighout which was to tow the Grapeshot to sea arrived at midnight, bringing some fifty armed Cubans, with a considerable supply of ministens of war. Speakman objected to continuing the voyage, and Mr. Sickles to the Minister of State.

saniago, subjected to a private examination before the isseat, in the presence of an interpreter, and condemned to death immediately. The Consul of the United States made application to the Governor of the place by letter to grant a reprieve of a few days a compose speakman to obtain from Jamaica the proofs of the Consul was never answored. He then, in company with the English Vice-Consul, made a personal application to the Governor. The Governor replied that his orders were positive, alidning to Capitalin General Dulce's proclamation of the 24th of March, 1809, and added that, wing to the dissensions prevailing in the Spanish forces, the dissantistiction of the Catalian volunteers and the danger of a counter revolution against himself, it would be entirely mossible to grant-even a short reprieve. Consequently Speakman was executed on the morning of the 17th June, within fourteen nours after he was brought to the city. These facts are derived from the onlicial reports of the Acting United States Consul. Dr. Pint Speakman, and of those who were executed with him, who tinted in declaring his innocence of all complicity in the objects of the expectition.

And it further appears that Albert Wysth, of Pennsylvania, a young man of only twenty years of age and very respectably connected, salled in the same schooner Grapeshot for Falmouth, Jamalea, for the beneath of his health. On learning the read destination of the schooner he energetically processed against taking part in the enterprise. When she expedition disembarked he was forced to land with the Outsian, and took the first opportunity to surrender minself to the Spanish authorities. He was extending and his mnocence of any oriminal intent, as reasons for a communication or reprieve of the sentence.

Admir this indexes of any oriminal intent, as reasons for a communication or reprieve of the sentence. Admiral Hori his report to the Navy Department, which is accompanied by all the evidence in decree of the 24th of March, 1809. This this policial decree of the 24t

superior authority.

It has been, and is now, the sincere wish of the United States to periorm all their duties as a neutral nation towards spain in this emergency. Under circumstances of peculiar dufficulty the United States have enforced their laws and maintained their neu-

trality throughout the contest. Their relations with Cuba are so many and so intimate that they cannot but feel an incesse interest in a struggle for inde-pendence which derives so much of its impiration

can only agreeate an provided the considerations in which the United States have interests too important to be disregarded.

In view of the foregoing facts and considerations, the undersigned is instructed to protest with all solemnity, in the name of the President of the United States, against the deplorable excesses which have thus far characterized the war in Cuba, and to missit, as the President believes he may rightfully insist, in the name of numanity, that hereafter, while hostinities are prolonged, the war shall be conducted in a manner more in accord with the humans and Christian sentiment of the age.

The undersigned avails himself of this occasion to renew to his excellency, the Minister of State, the assurances of his most distinguished consideration.

Mr. Sickles to Mr. Fish.

His Excellency then informed me that a report from the Captain General of Cuba had been called for in relation to the cases of Speakman and Wyeth, and if the facts were as alleged, full reparation would be made to the families of the deceased; and he added that orders had been given to prevent such scenes of cruelty in the future conduct of the war.

Mr. Fish to Mr. Lopez Roberts,
Washington, July 18, 1869.
The undersigned, Secretary of State of the United States, has the honor to enclose to Mr. Roberts, Envoy Extraordinary and Minister Flonipotentary of Spain, a translation of a decree which he has received, published in the Gaveta de la Habana sparie official), under date of July 7, 1869, purporting to be signed by General Capaliero de Robas, the Captan States at may in its possible operation involve serious complications between the government of Spain and that of the United States. Is purports to be issued in order to put an end to an insurrection in the island of Cupa, which the United States have hither to treated only as a civil commolion within the dominions of Spain, that did not give rise to what are understood as belligerent rights on the part of either party to the conflict. But the decres of the Captain General de Rodas assumes powers and rights over the trade and commerce of other peoples, inconsistent with a state of peace, and which the United States can be expected to allow their vessels to be a better of war, or shall

traband of war, is a legitimate traile and commerce which cannot be interfered with or denounced unless by a power at war with a third party in the admitted exercise of the recognized rights of a belligerent. The freedom of the ocean can nowhere and under no circumstances be yielded to the United States. The high seas contiguous to those of the island of Cuba are a direct pathway of a large part of the purely domestic trade of the United States. The register trading between their ports in the Gulf of Mexico and those of the atlantic coast pass necessarily through these waters. The greater part of the trade between the ports of the United States on the eastern side of the continent and those on the Pacine stope, of necessity pass in sight of the island of Cuba. The United States cannot, then, be indifferent or silent under a decree which, by the vagueness of its torms, may be construed to allow their vessels on the high seas, whatever may be their cargo, to be embarrassed or interfered with. If Spain be at war with Cuba, the United States will submit to those rights which public law concedes to belligerents. But while Spain disclaims a state of belligerents. But while Spain disclaims a state of belligerency, or until the United States may find I necessary to recognize her as a belligerent, the government of the United States cannot fail to look with solicitude upon a decree which, if enforced against any vessel of the United States on the high seas, cannot but be regarded as a violation of their rights that may lead to serious compileations.

The sixth article of the decree refers to certain

ence to either party being engaged in war. The portion of the treaty from the eleventh article to the eighteenth, contemplates exclusively their relations as neutrals, the duties and powers of each towards the other, when one or the other may be engaged in war with a third party. The eighteenth section recognizes and regulates the right of visit or of approach in time of the right of visit or of approach in time of the right of visit or of approach in time of the right of visit or of approach in time of the right of visit or of approach in time of the right of visit or of approach in time of the neutrality of a vessel of commerce by the vessels of war, or by any privateer of the nation which shall be at war. It conters no right, it limits and prescribes the manner of exercising a belingerent right when such may exist. The clear object and intent of this provision of the treaty is the avoidance of discussion and annoyance and the prevention of abuse or indiscretion in the exercise of a belingerent right. Its location in the exercise of a belingerent right. Its location in the treaty, the recognition of the right of a privateer (who has no existence except in war) as having the same power and right in the particular referred to with a national vessel of war, and the whole scope and aim of the eighteenth article of the treaty established beyond possibility of question that it refers only to the rights which one of the parties may have by reason of being in a state of war. The treaty authorizes nothing but the inspection of the passport of the vessel of trade met with, while the sixth article of the decree of General de Rodas contemplates a search as to the character of the vessel beyond the limitation the The treaty authorizes nothing but the inspection of the passport of the vessel of trade met with, while the sixth article of the decree of General de Rodas contempiates a search as to the character of the vessel beyond the limitation fixed by the treaty. If Spain be engaged in war it is essential to the rights as well as to the definition of the duties of the people of the United States that they be publicly and authoritatively advised thereof, and admonished as to their obligations and liabilities in their new relation with a friendly power. And such anontition admits of no avoidable delay, in view of the vast commerce that will thus be subjected to restriction, limitation and possible detention.

The undersigned, therefore, respectfully desires to be informed by Mr. Roberts, at the earliest practicable moment, whether, in the issuance of this decree, it is to be understood by the United States that Spain recognizes that she is in a state of war and claims the rights of a belignerent.

The undersigned has the honor further to say to Mr. Roberts that the government of the United States cannot fall to regard the contamance of the decree referred to, or any exercise on the high seas near the island of Cuba by any vessel of war or privateer of Spain of the right to visit or bourd any vessel of the United States under color of the provisions of the United States under color of the provisions of the treaty of 1705, as involving the logical conclusion of a recognition by spain of a state of war with Cuba.

Before concluding the undersigned begs to call

of a recognition by spain of a state of war with Cuba.

Before concluding the undersigned begs to call Mr. Roberts' attention to the very grave complication which night ensue from any interference with a vessel of the United States engaged in a lawful voyage, passing near the island of Cuba. The United States maintain the right of their flag to cover sud protect their slups on the high seas.

In conclusion the undersigned expresses the hope that Mr. Roberts will speedly be at liberty to announce the formal abrogation of a decree which causes so much serious apprehension to the government of the United States, and against which this government feels bound most carnestly to remon-

government feels bound most earnestly to remon-strate.

For inclosure see Mr. Plumb's despatch to Mr. Plan of July 8, 1869. Mr. Lopez Roberts to Mr. Fish.

Mr. Lopez Roberts to Mr. Fish.

Washington, Sept. 18, 1869.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of Spain, to-day addresses the honorable Secretary of State of the United States, with the design of submitting to his jaigment certain important considerations relative to the declaration or beligerent rights which, as it appears, it is intended to grant to the insurgents of Cuba.

" " He would fail to perform his duty as the representative of Spain in thus republe, he would be unminding of the great liberal cause for the triumph of which his government is now fighting, unmindful of the traditional iriendship which, since 1739 until now, has united Spain to the United States, if he kept slicing at the announcement of so important a resolution.

ution. I do not flatter myself on taking up this subject to I do not flatter myself on taking up this subject to be able to present to your consideration any arguments which shall be new and hitherto ungnown to you; for my object it is more than sufficient for me to have recourse to those arguments formismed me by the history of North American pointies themselves. The honorable Secretary of State is doubtless not ignorant of the lavorable opinion which the world entertains of American neutrality commenced by those great men Washington and Hamilton during the war of the French revolution, which neutrality was continued afterwards by Presidents Madison and Monroe at the time of the struggle between Spain and her insurent American possessions, and which, still later, was seen confirmed with great brilliancy in the recent diplomatic controversy with England, in which the Hon. William H. Seward, his immediate predecessor, the Hon. Charles Francis Adams, Min-

arises, thee. that resolution which the federal government is apparently on the eve of adopting? These are questions which, with all due delicacy, I will take the liberty of answering in the following terms:—

Five. Certain malcontent Cubans have established themselves in the Judget of the server seals and avoring by avery means in their power, not to conquer their independence by their own efforts, but to gain at present the sympathies of the American people in order afterward to seek the aid of this government for their cause. The history of what has taken place in the last few months is the clearest proof of that. In a state of peace, It has been seen with autonishment that associations were publicly organized in many ports belonging to a friendly nation, said associations being composed of the agents of the insurgents, with a aginst Spain. Enlistments of men have also taken place during whole weeks, as it the object were to form crypeditions authorized by law, and consequently with the consent of the authorities. These emissaries have carried their spirit of speculations to far as to take advantage of the good faith of endgrants from Europe, sending them to fight in Cuba under command of the so-called General Jordan and other command of the so-called General Jordan and th

Mr. Fish to Mr. Lopez Roberts.

Mr. Fish to Mr. Lopez Roberts.

Washington, Oct. 13, 1863.
The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Roberts, Envoy Extraordinary and Minister Plenipotentiary of Spain, under date of 18th September, which was received on the 25th of that mouth, on which day the undersigned left Washington for a temporary absence.

Mr. Roberts states the object of his note to be the submission of "certain tuportain considerations relative to the deciaration of beiligerent rights, which, as it appears, it is intended to grant to the insurvents of Cuba."

Mr. Roberts does not state how or whence appears the intention, which, in various parts of his note,

In this view he compares the policy pursued by spain in 1861 with that which he assumes this government now appears inclined to put in practice with respect to Spain.

The undersigned would have desired not to draw any comparison; but if one is to be drawn it should be between the policy actually pursued by the respective governments, and not between that which has been adopted by Spain and that which Mr. Roberts imagines the United States may be inclined to put in practice.

Referring to the concession of belligerent rights by Spain to the Southern insurgents during the rocent civil war in the United States Mr. Roberts says it had been preceded by a similar concession on the part of Great Britain, France and Prussia, and that "Spain could not by reason of her geographical and maritime situation longer abstain from making."

This concession was made by Spain on the 17th day of June, 1861, only sixty-six days after the assault on Fort. Suniter, the outbreak of the rebelion, and which was the only combat or conflict of arms of which any account had reached Europe at the date of Spain's action in the matter; a single and a bloodless combat, an attack upon a handfull of half-starved men, being the extent of war on which Spain based the "fact of belligerency."

It is true that Great Britain and France may have been more precipitate even than Spain, in their haste to grant belligerent rights to the insurgents of the United States; and the example of these monarchies of the Old World may be pleaded by the republics of Peru, Ollie and Bollvia, in the New, is their proceeding towards Cuba, with the difference in favor of the letter, that they wasted for comonics, instead of days, and until scores of comonics, instead of days, and until scores of com-

ment and oppression of a race. The undersigned has not now to remind Mr. Roberts of the frequency with which, in the interest of humanity, he has been obliged to remonstrate against the stroctices and the crusities which have attended the conflict in Gubs for the past year; and if these crucities and this intumanity have not been confined to one party to the conflict the force of the justification for intervention assigned by the eminent Spanish authority referred to has been so much the more pressing. The United States have not acted upon this justification assigned by Riquelme, nor by that other of neighborhood, although the scene of strile hes at their very threshold, but have acted upon their early established policy, under which, in the beginning of their history, in the absence of any municipal enactments on the subject and in advance of other nations, they set the example of repressing violations of neutrality to the prejudice of mittons with whom they were at peace. This proud feature in their history, and their strict adherence to it during subsequent years when Spain was engaged in war with her revolted provinces, are candicity admitted by Mr. Roberts.

This principle has controlled their proceedings with regard to the war in Cuoa. It does not, however, admit the indefinite protraction of a conflict in a contiguous territory, such as that which has existed for the past year in that island—a conflict

Spain, undorsem during its existence as a nation, has led it to hope for a different solution to the difficulties with which its anticient ally now finds herself involved. It still hopes and will continue to hope for such solution. It must, however, reserve for the future its independent action as a sovereign Power. The interests independent action as a sovereign Power. The interests independent action as a sovereign Power. The interests independent action as a sovereign Power. The interest great that contest, and of its conduct, will determine the future course of this government. The undersigned cannot close this note without the expression of regret that a part of Mr. Roberts' note seems to have been written under a misapprehension of facts that have occurred, as well as of the spirit and operations of a government founded upon inceral principies, and acting under constitutional and limited powers. The United States freely offer an asylum to the opprehensed of all nationalities; many of the subjects of Spain have availed themselves of that asylum; and if, as Mr. Roberts alleges, they or some of them have abused the nospitality extended alike to all, this is not the lault of the United States.

This government allows freedom of speech and of action to all, citizens or strangers, restricted only to the observance of the right peacefully to assemble and also to keep his the right peacefully to assemble and also to keep and bear arms; it secures them in their persons against unreasonable search and seizure and provides that ne warrant shall issue but upon probable cause, supported by oath or allimation, and that no person shall be deprived of life, liberty or property wellow that new arrant shall issue but upon probable cause, supported by oath or allimation, and that no person shall be deprived of life, liberty or property wellow that new arrant shall issue but upon probable cause, supported by oath or allimation, and that no person shall be deprived of life, liberty or property wellow that new arrant shall iss

at times, and happy is that form of government that can control the tendency of evil minds and restrain by its peaceful agencies the violence of evil passions.

The undersigned is forced to admit, with regret, that an uniavitil expedition did succeed in steachily escaping from the United States and landing on the shores of Cuba. It escaped from the United States without having attracted any notice or auspicion on the part of the government or its officers or agent, and, as the undersigned believes, without any suspicion on the part of the agents of the Spanish government. Previous to its departure Afr. Roberts and been frequently informed that this government would act upon any informed that this government to could obtain through its own agents, or that might be furnished by the Spanish authorities or their agents.

be infinished by the Spanish authorities or tasif agents.

The undersigned has, on several occasions, caused preceedings to be adopted on information received from Mr. Roberts, which information proved to be totally unfounded. In no single instance where any information was received, ether from the representative or the agents of Spain, or from the officers of this government, or from any other source indicating the probability of any unnawful enterprise tagainst Spain or ner possessions has this government failed in arresting and defeating the objects of such enterprise.

The Autories General (Mr. Hour) to Mr.

The Attorney General (Mr. Hour) to Mr.

The Attorney General (Mr. Honr) to Mr. Fish.

Attorney General's Oppice, Dec. 16, 1869.

Sir.—In compliance with your oral request I send you, in writing, my opinion upon the question whether it is proper for the United States to cause a libet to be filed, under the United States to cause a libet to be filed, under the United States to cause a libet to be filed, under the United States to cause a libet to be filed, under the United States to cause a libet to be filed, under the United States, and to repeat the acts therein mentioned," against the general to the ground that they are procured to be fitted out and armed with latent that they shall be employed in the service of Spain, a toreign State, with intent to cruise or commit hostinities against the subjects, citizens or property of a "colony, district or people" with whom the United States are at peace, namely, a "colony, district or people" claiming to be the republic of Cuba.

The statute of 1818 is sometimes spoken of as the Neutrality act, and undoubtedly its principal object is to secure the performance of the duty of the United States, under the law of nations, as a neutral nation in respect to foreign Fowers; but it is an act to punish certain offences against the United States by fines, imprisonments and references, and the act uself dedines the precise nature of these offences.

The United States have not recognized the independent national existence of the Island of Cuba nor any part thereoi, and no sufficient reason has yet been shown to justify such a recognized the independent national existence of the Island of Cuba is a territory under the government of Spain and belonging to that nation, if over the time shall come when it shall seen fitting to the political department of the government of the